

ASSEMBLY BILL

No. 1846

Introduced by Assembly Member Gordon

February 19, 2014

An act to amend Section 14594.5 of the Public Resources Code, relating to beverage containers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1846, as introduced, Gordon. Beverage containers: enforcement.

The California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Resources Recycling and Recovery for each beverage container sold or transferred, for deposit in the California Beverage Container Recycling Fund. Existing law imposes criminal and civil penalties for specified violations of the act, including as actions subject to criminal penalties, the redemption of out-of-state containers, as defined. Existing law generally authorizes the department to impose a civil penalty of up to \$1,000 or \$5,000 for each violation, but authorizes the department to assess a civil penalty of up to \$10,000 per transaction, or an amount equal to 3 times the damages, plus costs, for a person who redeems, or assists in the redemption of, previously redeemed containers.

This bill would additionally authorize the department to assess a civil penalty of up to \$10,000 per transaction or 3 times the damages, plus costs, upon a person who redeems, attempts to redeem, or aids in the redemption of, otherwise ineligible beverage containers, including, but not limited to, out-of-state containers and empty beverage container materials imported from out-of-state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14594.5 of the Public Resources Code
2 is amended to read:
3 14594.5. ~~The~~ *Notwithstanding Section 14591.1, the department*
4 *may assess upon any person, entity, or operation—*~~which that~~
5 *redeems, attempts to redeem, or aids in the redemption of, empty*
6 *beverage containers that have already been redeemed, or redeems,*
7 *attempts to redeem, or aids in the redemption of, otherwise*
8 *ineligible beverage containers, including, but not limited to,*
9 *out-of-state containers or empty beverage container materials*
10 *imported from out-of-state, a civil penalty of up to ten thousand*
11 *dollars (\$10,000) per transaction, or an amount equal to three times*
12 *the damage or potential damage, whichever is greater, plus costs*
13 *as provided in Section 14591.3, pursuant to notice and hearing in*
14 *accordance with Chapter 5 (commencing with Section 11500) of*
15 *Part 1 of Division 3 of Title 2 of the Government Code.*